

Please type a plus sign (+) inside this box →

+

PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

NEW UTILITY PATENT APPLICATION TRANSMITTAL <i>(only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket Number	18864-04962US
	First Named Inventor	Robert J. Bernardi
	Title	Auto-Adjust Noise Canceling Microphone With Position Sensor
	Express Mail Label No.	EL566201029US

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	8. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
3. <input checked="" type="checkbox"/> Specification Total Pages <input type="text" value="47"/> (preferred arrangement set forth below)	9. <input type="checkbox"/> Power of Attorney or Authorization of Agent
■ Descriptive Title of the Invention	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement
■ Cross Reference(s) to Related Case(s)	11. <input type="checkbox"/> Preliminary Amendment
■ Statement Regarding Fed sponsored R & D	12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s)
■ Background of the Invention	13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
■ Brief Summary of the Invention	14. <input checked="" type="checkbox"/> Return Postcard
■ Brief Description of the Drawing(s)	15. <input type="checkbox"/>
■ Detailed Description	16. <input type="checkbox"/>
■ Claim or Claims	17. <input type="checkbox"/>
■ Abstract of the Disclosure	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets <input type="text" value="8"/>	
5. Oath or Declaration	
a. <input checked="" type="checkbox"/> New Declaration and Power of Attorney Total Pages <input type="text" value="3"/> <input checked="" type="checkbox"/> Unexecuted	
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)	
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	
	ADDRESS TO: Box Patent Application Commissioner for Patents Washington, D.C. 20231

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ___/___

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number and Bar Code Label






00758

Name (Print/Type)	Martin S.C. Loui	Registration No. (Attorney/Agent)	43,411
Signature		Date	May 11, 2001

18864/04962/DOCS/1171754.1

EL566201029US

PTO/SB/17 (10-00)(modified)
 Approved for use through 09/29/01, OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) U.S. Department of Commerce Rev. 10/2000 Patent and Trademark Office		Complete if Known <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Application Number</td> <td>Not yet known</td> </tr> <tr> <td>Filing Date</td> <td>May 11, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Robert J. Bemardi</td> </tr> <tr> <td>Group Art Unit</td> <td>Not yet known</td> </tr> <tr> <td>Examiner Name</td> <td>Not yet known</td> </tr> <tr> <td>Attorney Docket Number</td> <td>18864-04962US</td> </tr> </table>		Application Number	Not yet known	Filing Date	May 11, 2001	First Named Inventor	Robert J. Bemardi	Group Art Unit	Not yet known	Examiner Name	Not yet known	Attorney Docket Number	18864-04962US																																																																												
Application Number	Not yet known																																																																																										
Filing Date	May 11, 2001																																																																																										
First Named Inventor	Robert J. Bemardi																																																																																										
Group Art Unit	Not yet known																																																																																										
Examiner Name	Not yet known																																																																																										
Attorney Docket Number	18864-04962US																																																																																										
FEE TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$1024.00)																																																																																											
METHOD OF PAYMENT 1. The Commissioner is hereby authorized to: <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. † <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27 Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other		FEE CALCULATION (continued) 3. ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">Large Entity Fee Code/Fee</th> <th style="width:15%;">Small Entity Fee Code/Fee</th> <th style="width:50%;">Fee Description</th> <th style="width:20%;">Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month†</td><td><input type="text"/></td></tr> <tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month†</td><td><input type="text"/></td></tr> <tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month†</td><td><input type="text"/></td></tr> <tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month†</td><td><input type="text"/></td></tr> <tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month†</td><td><input type="text"/></td></tr> <tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td><input type="text"/></td></tr> <tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td><input type="text"/></td></tr> <tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td><input type="text"/></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td><input type="text"/></td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td><input type="text"/></td></tr> <tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td><input type="text"/></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td><input type="text"/></td></tr> <tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td><input type="text"/></td></tr> <tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td><input type="text"/></td></tr> <tr><td colspan="3">Other fee (specify):</td><td><input type="text"/></td></tr> <tr><td colspan="3">Other fee (specify):</td><td><input type="text"/></td></tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (3)</td> <td>(\$0.00)</td> </tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	<input type="text"/>	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>	147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>	115/\$110	215/\$55	Extension for response within first month†	<input type="text"/>	116/\$390	216/\$195	Extension for response within second month†	<input type="text"/>	117/\$890	217/\$445	Extension for response within third month†	<input type="text"/>	118/\$1,390	218/\$695	Extension for response within fourth month†	<input type="text"/>	128/\$1,890	228/\$945	Extension for response within fifth month†	<input type="text"/>	119/\$310	219/\$155	Notice of Appeal	<input type="text"/>	141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	<input type="text"/>	142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	<input type="text"/>	143/\$440	243/\$220	Design Issue Fee	<input type="text"/>	122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>	126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>	179/\$710	279/\$355	Request for Continued Examination (RCE)	<input type="text"/>	581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>	149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>	Other fee (specify):			<input type="text"/>	Other fee (specify):			<input type="text"/>	SUBTOTAL (3)			(\$0.00)
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																								
105/\$130	205/\$65	Surcharge - late filing fee or oath	<input type="text"/>																																																																																								
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>																																																																																								
147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>																																																																																								
115/\$110	215/\$55	Extension for response within first month†	<input type="text"/>																																																																																								
116/\$390	216/\$195	Extension for response within second month†	<input type="text"/>																																																																																								
117/\$890	217/\$445	Extension for response within third month†	<input type="text"/>																																																																																								
118/\$1,390	218/\$695	Extension for response within fourth month†	<input type="text"/>																																																																																								
128/\$1,890	228/\$945	Extension for response within fifth month†	<input type="text"/>																																																																																								
119/\$310	219/\$155	Notice of Appeal	<input type="text"/>																																																																																								
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	<input type="text"/>																																																																																								
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	<input type="text"/>																																																																																								
143/\$440	243/\$220	Design Issue Fee	<input type="text"/>																																																																																								
122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>																																																																																								
126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>																																																																																								
179/\$710	279/\$355	Request for Continued Examination (RCE)	<input type="text"/>																																																																																								
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>																																																																																								
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>																																																																																								
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>																																																																																								
Other fee (specify):			<input type="text"/>																																																																																								
Other fee (specify):			<input type="text"/>																																																																																								
SUBTOTAL (3)			(\$0.00)																																																																																								
FEE CALCULATION (fees effective 10/01/2000) 1. FILING FEE <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">Large Entity Fee Code/Fee</th> <th style="width:15%;">Small Entity Fee Code/Fee</th> <th style="width:40%;">Fee Description</th> <th style="width:30%;">Fee Due</th> </tr> </thead> <tbody> <tr><td>101/\$710</td><td>201/\$355</td><td>Utility Filing</td><td><input type="text" value="710"/></td></tr> <tr><td>106/\$320</td><td>206/\$160</td><td>Design Filing</td><td><input type="text"/></td></tr> <tr><td>108/\$710</td><td>208/\$355</td><td>Reissue</td><td><input type="text"/></td></tr> <tr><td>114/\$150</td><td>214/\$75</td><td>Provisional Filing</td><td><input type="text"/></td></tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$ 710)</td> </tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	101/\$710	201/\$355	Utility Filing	<input type="text" value="710"/>	106/\$320	206/\$160	Design Filing	<input type="text"/>	108/\$710	208/\$355	Reissue	<input type="text"/>	114/\$150	214/\$75	Provisional Filing	<input type="text"/>	SUBTOTAL (1)			(\$ 710)	2. CLAIMS <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">Large Entity Fee Code/Fee</th> <th style="width:15%;">Small Entity Fee Code/Fee</th> <th style="width:70%;">Fee Description</th> </tr> </thead> <tbody> <tr><td>103/\$18</td><td>203/\$9</td><td>Claims in excess of 20</td></tr> <tr><td>102/\$80</td><td>202/\$40</td><td>Independent claims in excess of 3</td></tr> <tr><td>104/\$270</td><td>204/\$135</td><td>Multiple dependent claim</td></tr> <tr><td>109/\$80</td><td>209/\$40</td><td>Reissue independent claims over original patent</td></tr> <tr><td>110/\$18</td><td>210/\$9</td><td>Reissue claims in excess of 20 and over original patent</td></tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	103/\$18	203/\$9	Claims in excess of 20	102/\$80	202/\$40	Independent claims in excess of 3	104/\$270	204/\$135	Multiple dependent claim	109/\$80	209/\$40	Reissue independent claims over original patent	110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent																																														
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																								
101/\$710	201/\$355	Utility Filing	<input type="text" value="710"/>																																																																																								
106/\$320	206/\$160	Design Filing	<input type="text"/>																																																																																								
108/\$710	208/\$355	Reissue	<input type="text"/>																																																																																								
114/\$150	214/\$75	Provisional Filing	<input type="text"/>																																																																																								
SUBTOTAL (1)			(\$ 710)																																																																																								
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description																																																																																									
103/\$18	203/\$9	Claims in excess of 20																																																																																									
102/\$80	202/\$40	Independent claims in excess of 3																																																																																									
104/\$270	204/\$135	Multiple dependent claim																																																																																									
109/\$80	209/\$40	Reissue independent claims over original patent																																																																																									
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent																																																																																									
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="width:20%;">(Col. 1)</th> <th colspan="2" style="width:20%;">(Col. 2)</th> <th colspan="2" style="width:20%;">(Col. 3)</th> <th style="width:10%;">Fee</th> <th style="width:10%;">Fee Due</th> </tr> <tr> <th>For</th> <th>No. of Existing Claims</th> <th>Highest No. Previously Paid For</th> <th></th> <th>Extra**</th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>TOTAL</td> <td>33</td> <td>minus*</td> <td>20 or 0</td> <td>=</td> <td>13</td> <td>x</td> <td>18</td> <td>= 234</td> </tr> <tr> <td>INDEP</td> <td>4</td> <td>minus*</td> <td>3 or 0</td> <td>=</td> <td>1</td> <td>x</td> <td>80</td> <td>= 80</td> </tr> <tr> <td colspan="8"> <input type="checkbox"/> First presentation of multiple dependent claim </td> </tr> </tbody> </table>		(Col. 1)		(Col. 2)		(Col. 3)		Fee	Fee Due	For	No. of Existing Claims	Highest No. Previously Paid For		Extra**				TOTAL	33	minus*	20 or 0	=	13	x	18	= 234	INDEP	4	minus*	3 or 0	=	1	x	80	= 80	<input type="checkbox"/> First presentation of multiple dependent claim								SUBTOTAL (2) (\$314) * Subtract the greater number of Col. 2 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3																																															
(Col. 1)		(Col. 2)		(Col. 3)		Fee	Fee Due																																																																																				
For	No. of Existing Claims	Highest No. Previously Paid For		Extra**																																																																																							
TOTAL	33	minus*	20 or 0	=	13	x	18	= 234																																																																																			
INDEP	4	minus*	3 or 0	=	1	x	80	= 80																																																																																			
<input type="checkbox"/> First presentation of multiple dependent claim																																																																																											
SUBMITTED BY <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Typed or Printed Name</td> <td>Martin S.C. Loui</td> </tr> <tr> <td>Signature</td> <td></td> </tr> </table>		Typed or Printed Name	Martin S.C. Loui	Signature		Complete (if applicable) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Reg. Number</td> <td>43,411</td> </tr> <tr> <td>Date</td> <td>May 11, 2001</td> </tr> </table>		Reg. Number	43,411	Date	May 11, 2001																																																																																
Typed or Printed Name	Martin S.C. Loui																																																																																										
Signature																																																																																											
Reg. Number	43,411																																																																																										
Date	May 11, 2001																																																																																										

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Robert J. Bernardi
Title	Auto-Adjust Noise Canceling Microphone With Position Sensor
Atty Docket Number	18864-04962US

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 11, 2001

Date



Signature

Martin S.C. Loui/Reg. No. 43,411

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231. 18864/04962/DOCS/1171787.1

0955400405660